

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES - GENERAL

Case No.	CV 11-04719 AHM (MRWx)	Date	June 8, 2011
Title	BRIAN BASIC v. PABLO CASTILLO, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes	Not Reported
Deputy Clerk	Court Reporter / Recorder
	Tape No.

Attorneys **NOT** Present for Plaintiffs: Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

In March 2011, plaintiff Brian Basic filed an unlawful detainer action in Los Angeles County Superior Court naming Pablo Castillo, Jane Castillo, and Does 1-100 as Defendants. On June 2, 2011, Pablo and Jane Castillo removed this action to federal court, apparently on the basis of diversity of citizenship.

A federal court must determine its own jurisdiction even if there is no objection to it. *Rains v. Criterion Sys., Inc.*, 80 F.3d 339 (9th Cir. 1996). Jurisdiction must be determined from the face of the complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386 (1987).

Defendants allege diversity jurisdiction exists under 28 U.S.C. § 1332. Notice of Removal, ¶¶ 6, 18. Federal diversity jurisdiction demands an amount in controversy exceeding \$75,000, and “[t]he amount in controversy is determined from the allegations or prayer of the complaint.” WILLIAM W. SCHWARZER, *et al.*, CALIFORNIA PRACTICE GUIDE: FEDERAL CIVIL PROCEDURE BEFORE TRIAL (2010), § 2:450 (citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938)). Here, there is no allegation anywhere in the complaint suggesting the amount in controversy exceeds \$75,000. Quite the opposite. Plaintiff filed the complaint in California state court as a limited civil case. Jurisdiction in limited civil cases is confined to cases in which the amount of damages demanded is less than \$25,000. Cal. Civ. Proc. Code § 86. The complaint’s caption states “Amount demanded does not exceed \$10,000.”

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Therefore, there is no basis for diversity jurisdiction. Accordingly, the Court ORDERS, on its own motion, that this action be remanded to Los Angeles County Superior Court for lack of jurisdiction.

Initials of Preparer : _____ SMO

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